

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

DEVONTAE NEWTON,

Defendant.

No. 18-cr-373-5 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of a letter from Defendant Devontae Newton, dated September 6, 2021, requesting temporary release from custody so that he may attend the funeral of his aunt, Theresa Murphy, on September 10, 2021, in Brooklyn, New York. (Doc. No. 861.) Although the Court is sympathetic to Mr. Newton's situation and extends its condolences to Mr. Newton and his family for their loss, the Court nevertheless lacks jurisdiction to consider Mr. Newton's request for a temporary release. After a defendant's sentence and conviction become final, such motions are properly directed to the Bureau of Prisons, not the sentencing court. *See* 18 U.S.C. § 3622(a)(2); *United States v. Park*, 456 F. Supp. 3d 557, 562–63 (S.D.N.Y. 2020) (“[T]he mechanism for granting temporary release . . . lies solely in the BOP's hands.”); *United States v. Garcia*, 16-cr-719 (RJS), 2020 WL 2539078, at *3 (S.D.N.Y. May 19, 2020) (“The decision to grant [section 3622] relief . . . is exclusively reserved to the discretion of the BOP.”). Accordingly, Mr. Newton's motion is respectfully denied. The Clerk of Court is requested to terminate the motion located at Doc. No. 861.

SO ORDERED.

Dated: September 7, 2021
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation